IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CRIMINAL MISC. PETITION NO.969/2006
(Om Prakash VS. State of Rajasthan)

DATE OF ORDER : 12/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Pankaj Sharma for the petitioner.
Mr. Ashok Upadhyaya, public prosecutor for the State

By the instant petition under section 482 Cr.P.C. the petitioner has challenged order dated 22.7.2006 passed by Sessions Judge, Hanumangarh (for short 'the revisional court' hereinafter) whereby the revisional court while allowing the revision petition in part filed by the petitioner against the order dated 13.7.2006 passed by Chief Judicial Magistrate, Hanumangarh (for short 'the trial court' hereinafter) ordered to release the tractor bearing No. RJ-13-R-2530 in favour of the petitioner on Supardginama on his furnishing bank guarantee of the price of the tractor within six months from the date of seizure of the vehicle, failing which the trial court shall be free to give the custody of the vehicle to the authorized person at its discretion by relaxing the condition imposed by revisional court.

I have heard learned counsel for the parties.

Perused the order impugned.

It is contended by the learned counsel for the petitioner that the petitioner is not an accused and tractor in question is only source of livelihood of the petitioner and his family members. The revisional court, by the order impugned, directed to release the tractor in question on furnishing the bank guarantee of the price of the tractor, which is an onerous condition and submits that the impugned order may be modified by allowing the petitioner to furnish solvent security instead of bank guarantee.

A coordinate Bench of this Court, in Rajendra Kumar Vs. State of Rajasthan, S.B.Criminal Misc. Petition No. 521/95 decided on 21.8.1995, in a similar case, modified the order by allowing the petitioner therein to furnish Supardginama along with surety bonds instead of bank guarantee for release of the vehicle in that case.

Having regard to the facts and circumstances of the case, in my view, the ends of justice would be met if the vehicle in question is released on Supardginama in favour of the petitioner on his furnishing personal and solvent security bonds.

In the result, the petition is allowed. The order impugned dated 22.7.2006 passed by the revisional court is modified to the extent that the interim custody of the tractor in question be given to the petitioner on Supardginama on his

furnishing a personal bond in the sum of Rs.1 lac and one solvent security bond of like amount, to the satisfaction of the trial court with other usual conditions which the trial court thinks fit to impose. The trial court is further directed to expedite the trial of the case and dispose of the matter preferably within one year.

(H.R.PANWAR),J.

rp.